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# MONTANA LEGISLATIVE HISTORY

Chapter 207 19 87

Bill H _____ S 133 Original bill & history ____C

| H. Committee on Education & Cultural Resources | | S. Committee on Education & Cultural Resources | |
|---|---|---|---|
| Hearing Date(s) Jan 13 | ✓ C | Hearing Date(s) Jan 29 | ✓ C |
| _____ | ____C | _____ | ____C |
| _____ | ____C | _____ | ____C |
| _____ | ____C | _____ | ____C |
| Date Out _____ | ____C | | |

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

| | | | |
|---|---|---|---|
| 1/17 | REFERRED TO STATE ADMINISTRATION | | |
| 1/18 | FISCAL NOTE REQUESTED | | |
| 1/21 | HEARING | | |
| 1/27 | FISCAL NOTE RECEIVED | | |
| 1/29 | ADVERSE COMMITTEE REPORT ADOPTED | 29 | 21 |

SB 133 INTRODUCED BY BISHOP
REVISE TUITION PAYMENTS FOR ELEMENTARY SCHOOL DISTRICTS

| | | | |
|---|---|---|---|
| 1/17 | INTRODUCED | | |
| 1/17 | REFERRED TO EDUCATION & CULTURAL RESOURCES | | |
| 1/23 | HEARING | | |
| 1/24 | COMMITTEE REPORT--BILL PASSED | | |
| 1/28 | 2ND READING PASSED | 50 | 0 |
| 1/30 | 3RD READING PASSED | 50 | 0 |
| | TRANSMITTED TO HOUSE | | |
| 2/04 | REFERRED TO EDUCATION & CULTURAL RESOURCES | | |
| 3/13 | HEARING | | |
| 3/13 | COMMITTEE REPORT--BILL CONCURRED | | |
| 3/16 | 2ND READING CONCURRED | 96 | 0 |
| 3/17 | 3RD READING CONCURRED | 95 | 0 |
| | RETURNED TO SENATE | | |
| 3/20 | SIGNED BY PRESIDENT | | |
| 3/21 | SIGNED BY SPEAKER | | |
| 3/21 | TRANSMITTED TO GOVERNOR | | |
| 3/25 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 207 EFFECTIVE DATE: 10/01/87 | | |

SB 134 INTRODUCED BY BECK, CAMPBELL
CONVEYING A DANGEROUS DRUG TO A PRISONER; SENTENCE
BY REQUEST OF DEPARTMENT OF INSTITUTIONS

| | | | |
|---|---|---|---|
| 1/19 | INTRODUCED | | |
| 1/19 | REFERRED TO JUDICIARY | | |
| 1/19 | FISCAL NOTE REQUESTED | | |
| 1/20 | FISCAL NOTE RECEIVED | | |
| 1/26 | HEARING | | |
| 1/27 | COMMITTEE REPORT--BILL PASSED | | |
| 1/30 | 2ND READING PASSED | 49 | 0 |
| 2/02 | 3RD READING PASSED | 49 | 0 |
| | TRANSMITTED TO HOUSE | | |
| 2/04 | REFERRED TO JUDICIARY | | |
| 3/06 | HEARING | | |
| 3/06 | COMMITTEE REPORT--BILL CONCURRED | | |
| 3/09 | 2ND READING CONCURRED | 66 | 29 |
| 3/09 | REREFERRED TO APPROPRIATIONS | | |
| 3/23 | HEARING | | |
| 3/25 | HEARING | | |
| 3/26 | COMMITTEE REPORT--BILL CONCURRED | | |
| 3/28 | 2ND READING CONCURRED | 79 | 0 |
| 3/30 | 3RD READING CONCURRED | 98 | 0 |
| | RETURNED TO SENATE | | |
| 4/03 | SIGNED BY PRESIDENT | | |
| 4/04 | SIGNED BY SPEAKER | | |
| 4/04 | TRANSMITTED TO GOVERNOR | | |
| 4/09 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 413 EFFECTIVE DATE: 10/01/87 | | |

Senate BILL NO. 133

INTRODUCED BY Al Bishop

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PAYMENT OF ELEMENTARY SCHOOL TUITION IN DECEMBER AND JUNE OF THE FISCAL YEAR; AND AMENDING SECTION 20-5-307, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-307, MCA, is amended to read:

"20-5-307. Budgeting, levy requirement, and paying elementary tuition. (1) The tuition amount that has been established in 20-5-305 shall be paid during the ensuing school fiscal year. The trustees of the elementary district shall include such amount in the tuition fund of the preliminary budget. If the trustees should fail to include such amount or any portion of it in the preliminary budget, they shall adjust the budgeted amount in adopting the final budget to provide for the total tuition amount that is due during the ensuing school fiscal year. Such adjustment shall not be subject to the budget adjustment provisions of 20-9-132.

(2) The county superintendent shall report the net tuition fund levy requirement for each elementary district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. Such levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated moneys that may be realized in the tuition fund.

(3) The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification provided under the provisions of 20-5-305. ~~Such payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget was adopted.~~ At least one-half of the payments must be made in December, and the remaining payments must be made by June 15 of the fiscal year."

-End-

GAIL VIDAL felt it would be a good idea and one which they might very well tackle.

CONSIDERATION OF SENATE BILL 133: SENATOR BISHOP, District 46, sponsor of the bill, said he had agreed to carry the bill for the Montana Association of School Business Officials. He said it is a simple bill which brings elementary out of district tuition payments into line with the time line already established for high school districts. The law currently requires elementary districts to make their first payment as soon as funds are available and the second June 15th. The high school districts pay December 15 and June 15.

PROPONENTS: JOHN CAMPBELL, representing the Montana School Business Officials, said he supported the bill.

JESS LONG, representing School Administrators of Montana, supported the bill as being fairest for the receiving district. He noted tax dollars are in by the end of November and May, therefore there is no reason the payments shouldn't be made.

BOB STOCKTON, Office of Public Instruction, stated support for the bill. He pointed out the tuition is due the year following the year the child was educated so the district is behind already. This bill would greatly expedite matters.

There being no further proponents, no opponents, and no discussion, Senator Bishop closed.

ACTION ON SENATE BILL 133: SENATOR McCALLUM moved SENATE BILL 133 DO PASS. The motion CARRRIED unanimously.

CLAUDETTE MORTON, Executive Secretary, Board of Public Education, presented a report to the committee which is a response to Senate Bill 15 of the June, 1986, special session (Exhibit #1).

There being no further business, the meeting was adjourned.

Bob Brown
SENATOR BOB BROWN, CHAIRMAN

BB:jdr

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 1/23/87

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| SENATOR BOB BROWN | ✓ | | |
| SENATOR CHET BLAYLOCK | ✓ | | |
| SENATOR GEORGE McCALLUM | ✓ | | |
| SENATOR ED SMITH | ✓ | | |
| SENATOR PAT REGAN | ✓ | | |
| SENATOR JOE MAZUREK | ✓ | | |
| SENATOR BILL FARRELL | ✓ | | |
| SENATOR TED NEUMAN | ✓ | | |
| SENATOR DICK PINSONEAULT | ✓ | | |
| SENATOR SWEDE HAMMOND | ✓ | | |
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Each day attach to minutes.

SENATE _____ COMMITTEE

BILL _____ VISITORS' REGISTER DATE _____

Please note bill no.

| NAME | REPRESENTING | BILL # | (check one) SUPPORT | OPPOSE |
|---|---|---|---|---|
| Paula C. Dressel | MT. Assoc Gifted | | | |
| Brian Bailey | School District #5 | | | |
| Greg W Lamm | S.A.M | 133 | ✓ | |
| Deane Downey | School District #5 | | | |
| Joshua P. Downey | Kalispell School District | | | |
| Phyllis Curtiss | Stone District #5 | | | |
| Gayle J Vidal | Kalispell School District #5 | | | |
| Karen Richardson | Evergreen School Dist #50 Somers School Dist #29 | | | |
| Connie Semple | parent - Dimpleton School | | pending | |
| Claudette Morton | Board of Public Education | | | |
| Kathleen Bro- | ! — | | | |
| John Cimbiluit | MSBC | 133 | ✓ | |
| Mark Semmens | OPI | 133 | ✓ | |
| Amy Sedlock | — | 133 | ✓ | |
| Kim Williams | a Taxpayer - observing | | | |
| KATHIE HORELSI | MFT | | | |
| Hugo Eck | Self | | | |

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

# STANDING COMMITTEE REPORT

January 23, 1987

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE BILL No. 133

first reading copy ( white color )

REVISE TUITION PAYMENTS FOR ELEMENTARY SCHOOL DISTRICTS

Respectfully report as follows: That SENATE BILL No. 133

DO PASS

DO NOT PASS

SENATOR BOB BROWN, Chairman.

Feb. 11



OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE:

In response to a question from REP. EUDAILY, Mr. Campbell said that as the checks are written there is a transfer from the several different funds of cash from the county treasurer's to be made from those various funds to the clearing account. As the check is presented for payment the money is taken from the clearing account, so on the normal course, checks or warrants are presented for honoring, and if someone is slow in presenting their check the money might lay there awhile.

SENATOR GAGE closed by saying they had checked around the state to see if there were districts that were not unified that were using the same accounting system and they could not find any.

CONSIDERATION OF SENATE BILL NO. 133:

SENATOR AL BISHOP, Senate District No. 46, sponsor of the bill stated the bill was requested by the Montana Association of School Business Officials. He said the bill was intended to coincide the elementary schools tuition payments with the high school district tuition payments, which are one half of the tuition not later than the end of December and the other half by June 15th.

PROPONENTS:

JOHN CAMPBELL, representing the Montana School Business Officials, rose in support of the bill. He said they had proposed the bill in order to make it equitable as far as the method of payments of tuition between elementary and high school districts. As a point of clarification he noted that tuition is paid the year after attendance. He felt it would be more equitable if the sending school paid on a basis more close to their actual receipt of the money since the educating district had provided the education the preceding year.

BOB STOCKTON, Office of Public Instruction, said he supported the bill for the sake of uniformity. He reviewed the tax process and payment of tuition as it now stands and said it does not make sense that the sending school district should have the benefit of the interest when the student's education was financed the year before.

DON WALDRON, representing the School Administrators of Montana also rose in support of the bill.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE:

REP. WILLIAMS questioned Mr. Campbell about the language in the bill "such payments shall be made whenever there is a sufficient amount of cash available" which was deleted. It assumes that there is always going to be sufficient amount of cash available, so what happens if there isn't sufficient money available. Mr. Campbell replied that in 99 percent of the cases there would be money available as the districts would have just received the first half of the property tax payment in the month of November for the December payment. He noted there is a chance that there might not be enough cash available as had occured between the Jefferson County school district and the Helena School district because of the large protested taxes in Jefferson County, but that the two school districts were able to work it out amongst themselves.

REP. WILLIAMS then asked if Mr. Campbell didn't see any problem with there being a definite statutory law that a school district would have to meet that payment, because due to reappraisal there are going to be a lot of protested taxes. Mr. Campbell responded that there is another solution and that would be for the paying school district to issue a registered warrant for payment. SENATOR BISHOP also responded to REP. WILLIAMS question by noting there is a maxim of jurisprudence that says the law does not require the impossible, so if they just couldn't pay it, they could not pay it, and there is no penalty in this bill for breaking the law anyway.

In response to a question from REP. EUDAILY, Bob Stockton explained that the tuition fund is raised on local property tax, a permissive tax. He added that the formula calculates the maximum tuition that a school district can pay. It is calculated on the basis of the expenditures of the school district during the year in which it educated the child, minus all of foundation program and state permissive monies. Therefore, it is paying the school district only the actual taxes raised on property taxes.

SENATOR BISHOP closed by thanking the committee for allowing him to appear.

CONSIDERATION OF SENATE BILL 231:

SENATOR BILL YELLOWTAIL, Senate District No. 50, sponsor of

isn't currently covered under teachers retirement and that Claudette Morton is the only professional staff on the board that would be covered in this position, and as she has 17 years in teachers retirement he would like to allow her to move over and just continue her service.

A question and answer period followd concerning whether teachers will be allowed to buy back previous service if they were employed prior to July 1, 1987.

In response to a question by REP. EUDAILY, Claudette Morton explained that the board of public education does not have any instructional staff presently but that language was used to be consistent with the language in the bill for other agencies and also with the hope that sometime in the future the legislature might give the board some instructional staff.

REP. STANG questioned SENATOR BROWN why he used the word "requiring" instead of "allowing" certain professionals in the title of the bill. SENATOR BROWN responded that section 1 of the bill indicates that you have to be a participant in some retirement system, and apparently it isn't a matter of choice, so if the educational employees want to be in the teachers retirement system, and most of them are there, and the board of education staff would certainly seem to be educational employees, then that is where they most appropriately belong.

SENATOR BROWN closed.

EXECUTIVE SESSION:

ACTION ON SENATE BILL NO. 196:

REP. WILLIAMS moved SB # 196 BE CONCURRED IN; he then moved the amendments; the question was called; the motion CARRIED. CHAIRMAN SANDS called for further discussion on the bill, hearing none, the question was called, the motion CARRIED.

ACTION ON SENATE BILL NO. 231:

REP. LORY moved that SB #231 BE CONCURRED IN. The question was called, the motion CARRIED.

Feb 11

ACTION ON SENATE BILL NO. 133:

REP. EUDAILY moved that SB # 133 BE CONCURRED IN, the motion CARRIED.

MARCH 13, 19 87

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES

report SENATE BILL NO. 133

☐ do pass
☐ do not pass

☒ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

REP. JACK SANDS, Chairman

REVISE TUITION PAYMENTS FOR ELEMENTARY SCHOOL DISTRICTS

REP. STANG WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy ( BLUE color )